

Senate Study Bill 3011

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing penalties for violations relating to the
2 performance of radon testing and abatement measures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5252DP 81
5 rn/je/5

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1 1 Section 1. Section 136B.5, Code 2005, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 136B.5 PENALTIES FOR VIOLATION.
1 5 1. It is unlawful to perform radon testing or abatement
1 6 measures in violation of this chapter or of any rule adopted
1 7 pursuant to this chapter. A person who violates a provision
1 8 of this chapter or a rule adopted pursuant to this chapter is
1 9 guilty of a serious misdemeanor.
1 10 2. In addition to criminal penalties, the department may
1 11 impose a civil penalty not to exceed one thousand dollars on a
1 12 person who violates a provision of this chapter, a rule or
1 13 order issued under this chapter, or a term, condition, or
1 14 limitation on certification or credentialing under this
1 15 chapter, or who commits a violation for which certification or
1 16 credentialing may be revoked under rules adopted pursuant to
1 17 this chapter. Each day of continuing violation constitutes a
1 18 separate offense in computing the civil penalty.
1 19 3. The department shall notify a person of the intent to
1 20 impose a civil penalty against the person. The notice shall
1 21 be by registered or certified mail to the person's last known
1 22 address and shall state the date, facts, the nature of the act
1 23 or omission leading to the charge, the specific statute, rule,
1 24 or certification or credentialing provision involved, and the
1 25 amount of the penalty the department proposes to impose. The
1 26 notice shall advise the person that upon failure to pay the
1 27 civil penalty, the penalty may be collected by civil action.
1 28 The person shall have the opportunity to respond in writing,
1 29 within a reasonable time as the department shall establish by
1 30 rule, regarding the reasons why the civil penalty should not
1 31 be imposed.
1 32 4. The department may compromise, mitigate, or remit a
1 33 civil penalty imposed under this section. A person upon whom
1 34 a civil penalty is imposed may appeal the action pursuant to
1 35 chapter 17A. The department shall remit moneys collected from
2 1 civil penalties to the treasurer of state who shall deposit
2 2 the moneys in the general fund of the state.

EXPLANATION

2 4 This bill provides for the imposition of civil penalties in
2 5 addition to the existing criminal penalty of a serious
2 6 misdemeanor for violations of Code chapter 136B, relating to
2 7 the performance of radon testing and abatement measures.
2 8 The bill provides that in addition to the criminal penalty,
2 9 the Iowa department of public health may impose a civil
2 10 penalty not to exceed \$1,000 for a violation of a provision of
2 11 the chapter, a rule or order issued under the chapter, or a
2 12 term, condition, or limitation on certification or
2 13 credentialing under the chapter. The bill specifies that each
2 14 day of continuing violation constitutes a separate offense in
2 15 computing the civil penalty. The bill sets forth
2 16 notification, collection, and appeal procedures, and provides
2 17 that moneys collected shall be deposited in the general fund

2 18 of the state.
2 19 LSB 5252DP 81
2 20 rn:nh/je/5